

## REMARKS

Claims 2, 5, 6 and 9-13 are now pending in the application. Claims 2, 5, 6, and 9-11 have been amended; and Claims 12 and 13 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### REJECTION UNDER 35 U.S.C. § 103

**Claims 2, 5, 6 and 9-11** are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 6-156049 in view of JP 56-149819 and DT '451 (Figs 5 and 6) or **Nagao et al.** Claims 2, 5, 6 and 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over the prior art as applied to Claims 2, 5, 6 and 9-11, and further in view of Netherlands 166433. Claims 2, 5, 6 and 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over the prior art as applied to Claims 2, 5, 6 and 9-11, and further in view of **Brandecker** or **Gebhardt** or **Mullin** or **Bates** or **Marstellar**. These rejections are respectfully traversed.

Independent Claims 9 and 11 have been amended to include additional limitations which distinguish over the art cited by the Examiner. These additional limitations include the rotation axis of the fan being in a vertical direction, that the inside/outside air switching portion is provided above the fan, and that the air blown by the blower unit is introduced into the space under the cooling heat exchanger. None of the cited art discloses, teaches or even suggests an air conditioning unit with these limitations if the cited art is taken alone or if the cited art is taken in combination.

Regarding the Examiner's comments on the "distance" in JP '819 ( $\frac{1}{2}$  an evaporation width) and JP '049 (a whole evaporation width), Applicants do not believe this is a valid comparison. First, the scaling of drawings is not permitted. Second, there is no way to compare the width of evaporation 3 (JP '819) with the width of evaporator 28 (JP '049). Thus, the  $\frac{1}{2}$  width of JP '819 could be the same as the whole width in JP '049 if the evaporator in JP '819 is twice the width of JP '049. There is simply no way to make a comparison.

The same issue can be said for JP '016 and JP '107. The evaporator 14 in JP '107 is disposed vertically (Figure 2) and the evaporator in JP '016 is disposed horizontally (Figure 1). The blower in JP '107 is disposed above the evaporator and in JP '016 it is disposed below. It is not Applicants' position that one is more vertically compact than the other; it is Applicants' position that the comparison being made by the Examiner is not possible based on the drawings shown in the patents.

Thus, Applicants believe Claims 9 and 11, as amended, patentably distinguish over the art of record. Likewise, Claims 2, 5, 6 and 10, which ultimately depend from Claim 9 are also believed to patentably distinguish over the art of record.

Reconsideration of the rejection is respectfully requested.

#### **NEW CLAIMS**

**New Claims 12 and 13** are dependent claims that further limit Claims 9 and 11, respectively.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: July 16, 2003

By: 

Michael J. Schmidt  
Reg. No. 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/lf-s